

WEDNESDAY, SEPTEMBER 14, 2016

THIRD LEGISLATIVE DAY

SECOND EXTRAORDINARY SESSION

The House met at 9:30 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Rep. Love.

Representative Love led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 85

Representatives present were Alexander, Beck, Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Towns, Travis, Turner, Van Huss, Weaver, White D., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 85

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative H. Brooks; illness

Representative M. White; personal

Representative Todd; personal

Representative Carr; illness

Representative Matheny; personal

Representative Ramsey; illness

Representative Matlock; business

Representative DeBerry;

Representative Spivey; business

PRESENT IN CHAMBER

Rep. Littleton was recorded as being present in the Chamber

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 3 Reps. Lundberg and Hulseley as prime sponsors.

House Joint Resolution No. 7 Reps. Clemmons, Mitchell, Pitts, Shepard, Jernigan, Turner, Love, Camper, Shaw, Jones, Miller, Cooper, Favors and Hardaway as prime sponsors.

House Bill No. 1 Rep. Hardaway as prime sponsor.

**MESSAGE FROM THE SENATE
September 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1 passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Bill No. 1** -- Alcohol Offenses, Motor Vehicles - As introduced, reinstates prior law regarding offense of underage driving while impaired to ensure compliance with federal zero-tolerance laws; clarifies that the offense applies to persons under 21 years of age who drive while having a blood or breath alcohol concentration of 0.02 percent or more. - Amends TCA Section 55-10-409; Section 55-10-415 and Chapter 1030 of the Public Acts of 2016. by *Norris. (HB1 by *McCormick, *Lamberth, *Powell)

**MESSAGE FROM THE SENATE
September 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 5 and 7; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 5 -- Memorials, Retirement - Dr. Clif Tennison. by *Massey.

Senate Joint Resolution No. 7 -- Memorials, Death - Ernest Chism. by *Kelsey, *Norris.

MESSAGE FROM THE SENATE
September 14, 2016

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 2 passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Bill No. 2** -- Appropriations - As introduced, makes appropriations for the purpose of defraying the expenses of the second extraordinary session of the 109th General Assembly. by *Norris. (HB2 by *McCormick)

MESSAGE FROM THE SENATE
September 14, 2016

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 6; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 6 -- General Assembly, Adjournment - Adjourns sine die the Second Extraordinary Session of the 109th General Assembly. by *Norris.

PERSONAL ORDERS

EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Powell; personal

ORDER OF THE DAY

Rep. Lollar moved that the House proceed with the order of the day, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolution listed was introduced and referred to the appropriate Committee:

House Joint Resolution No. 9 -- Health Care - Removes impediment imposed on governor's powers, authority, and duties concerning certain actions with respect to health care. by *Fitzhugh.

House State Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **September 14, 2016**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar** for **September 14, 2016**: House Bills Nos. 1 and 2.

CONSENT CALENDAR

House Resolution No. 2 -- Memorials, Professional Achievement - Siema Swartzel, Tennessee Teacher of the Year finalist. by *Brooks K.

House Resolution No. 3 -- Memorials, Recognition - Sullivan County Retired Teachers Association, 50th anniversary. by *Hill T.

House Resolution No. 4 -- Memorials, Public Service - Representative Curry Todd. by *Casada.

House Joint Resolution No. 7 -- Memorials, Recognition - United States Department of Health and Human Services and the Centers for Medicare and Medicaid Services. by *Fitzhugh.

House Joint Resolution No. 8 -- Memorials, Professional Achievement - Elaine Vaughan, Presidential Award for Excellence in Mathematics and Science Teaching. by *Ragan.

Senate Joint Resolution No. 1 -- Memorials, Recognition - United Southeast Federal Credit Union, 75th Anniversary. by *Ramsey.

Senate Joint Resolution No. 2 -- Memorials, Sports - Goodlettsville All-Stars Little League baseball team. by *Haile.

Senate Joint Resolution No. 3 -- Memorials, Death - Donna Hendrix "Meems" Holsclaw. by *Crowe.

OBJECTION--CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Joint Resolution No. 7: by Rep. Casada

Under the rules, House Joint Resolution No. 7, was placed at the heel of today's Calendar.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	65
Noes.....	3
Present and not voting.....	5

Representatives voting aye were: Akbari, Brooks K., Calfee, Camper, Casada, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Stewart, Swann, Terry, Travis, Weaver, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 65

Representatives voting no were: Cooper, Gilmore, Turner -- 3

Representatives present and not voting were: Byrd, Carter, Holt, Sparks, Towns -- 5

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on the **Consent Calendar** and have this statement entered in the Journal: Reps. Jernigan and Lamberth.

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on the **Consent Calendar** and have this statement entered in the Journal: Reps. Gilmore and Cooper.

PRESENT IN CHAMBER

Rep. Womick was recorded as being present in the Chamber.

REGULAR CALENDAR

House Bill No. 1 -- Alcohol Offenses, Motor Vehicles - As introduced, reinstates prior law regarding offense of underage driving while impaired to ensure compliance with federal zero-tolerance laws; clarifies that the offense applies to persons under 21 years of age who drive while having a blood or breath alcohol concentration of 0.02 percent or more. - Amends TCA Section 55-10-409; Section 55-10-415 and Chapter 1030 of the Public Acts of 2016. by *McCormick, *Lamberth, *Powell. (*SB1 by *Norris)

On motion, House Bill No. 1 was made to conform with **Senate Bill No. 1**; the Senate Bill was substituted for the House Bill.

Rep. Lamberth moved that Senate Bill No. 1 be passed on third and final consideration.

Rep. Marsh moved the previous question, which motion prevailed by the following vote:

Ayes	60
Noes.....	18

Representatives voting aye were: Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Coley, Daniel, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Howell, Hulsey, Jenkins, Johnson, Kane, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Moody, Pitts, Pody, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shepard, Sparks, Swann, Terry, Travis, Weaver, White D., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 60

Representatives voting no were: Akbari, Clemmons, Cooper, Dunlap, Dunn, Favors, Fitzhugh, Gilmore, Holt, Jernigan, Jones, Love, Miller, Mitchell, Shaw, Stewart, Towns, Turner -- 18

Rep. Lamberth moved that **Senate Bill No. 1** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes.....	2

Representatives voting aye were: Akbari, Beck, Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Towns, Travis, Turner, Van Huss, Weaver, White D., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 85

Representatives voting no were: Alexander, Holt -- 2

A motion to reconsider was tabled.

House Bill No. 2 -- Appropriations - As introduced, makes appropriations for the purpose of defraying the expenses of the second extraordinary session of the 109th General Assembly. by *McCormick. (*SB2 by *Norris)

On motion, House Bill No. 2 was made to conform with **Senate Bill No. 2**; the Senate Bill was substituted for the House Bill.

Rep. McCormick moved that Senate Bill No. 2 be passed on third and final consideration.

Rep. Fitzhugh moved the previous question, which motion prevailed.

Rep. McCormick moved that **Senate Bill No. 2** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	80
Noes.....	2
Present and not voting.....	2

Representatives voting aye were: Akbari, Alexander, Beck, Brooks K., Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Stewart, Swann, Terry, Travis, Turner, Van Huss, Weaver, White D., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 80

Representatives voting no were: Dunlap, Windle -- 2

Representatives present and not voting were: Byrd, Holt -- 2

A motion to reconsider was tabled.

ANNOUNCEMENT

The Clerk explained that pursuant to Rule 50, House Joint Resolution No. 7, previously objected to on today's Consent Calendar, would now be heard at the Heel of the Regular Calendar.

REGULAR CALENDAR, CONTINUED

House Joint Resolution No. 7 -- Memorials, Recognition - Dr. Baateena Black. by *Shepard, *Armstrong, *Jones, *Favors, *Hardaway, *Stewart, *Fitzhugh, *Mitchell, *Love, *Windle, *Beck.

Rep. Fitzhugh moved adoption of House Joint Resolution No. 7.

Rep. Casada moved the motion to adopt House Joint Resolution No. 7 to the table, which motion prevailed by the following vote:

Ayes	49
Noes.....	19
Present and not voting.....	5

Representatives voting aye were: Alexander, Beck, Brooks K., Butt, Carter, Casada, Coley, Dunn, Faison, Farmer, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Howell, Jenkins, Johnson, Kane, Keisling, Lamberth, Lollar, Lundberg, Lynn, Marsh, McCormick, McManus, Moody, Pody, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Terry, Van Huss, Weaver, White D., Williams, Windle, Wirgau, Womick, Zachary -- 49

Representatives voting no were: Akbari, Camper, Clemmons, Cooper, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Shaw, Shepard, Stewart, Towns, Turner -- 19

Representatives present and not voting were: Eldridge, Holt, McDaniel, Smith, Swann -- 5

JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Towns voted "no" on the motion to table the motion to adopt **House Joint Resolution No. 7**.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on the motion to table **House Joint Resolution No. 7** and have this statement entered in the Journal: Reps. Forgety and Hulsey.

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "present and not voting" on the motion to table **House Joint Resolution No. 7** and have this statement entered in the Journal: Rep. Powers.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 7 out of order, which motion prevailed.

Senate Joint Resolution No. 7 -- Memorials, Death - Ernest Chism. by *Kelsey, *Norris.

On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

McCormick moved all members voting in the affirmative on Senate Joint Resolution No. 7 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

RULES SUSPENDED

Rep. Fitzhugh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 11 out of order, which motion prevailed.

House Joint Resolution No. 11 -- Memorials, Death - Representative George Fraley. by *Fitzhugh.

On motion, the rules were suspended for the immediate consideration of the resolution.

Rep. Fitzhugh moved all members voting in the affirmative on House Joint Resolution No. 11 be add as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

On motion of Rep. Fitzhugh, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Zachary moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 5 out of order, which motion prevailed.

Senate Joint Resolution No. 5 -- Memorials, Retirement - Dr. Clif Tennison. by *Massey.

On motion of Rep. Zachary, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Fitzhugh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 10 out of order, which motion prevailed.

House Joint Resolution No. 10 -- Memorials, Professional Achievement - Lillie Treadway, Tennessee Principal of the Year finalist. by *Fitzhugh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Fitzhugh, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 6 out of order, which motion prevailed.

Senate Joint Resolution No. 6 -- General Assembly, Adjournment - Adjourns sine die the Second Extraordinary Session of the 109th General Assembly. by *Norris.

On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

SELECT COMMITTEE APPOINTMENTS

Representative McCormick moved that the Speaker appoint a committee to notify the Senate that the House had completed its business for this Second Extraordinary Session and was ready to adjourn, sine die. The Speaker appointed Representatives Shepard, Womick and Williams, with Rep. Shepard serving as Chair.

Representative McCormick moved that the Speaker appoint a committee to notify the Governor that the House had completed its business for this Second Extraordinary Session and was ready to adjourn, sine die. The Speaker appointed the following: Representatives Lundberg, Akbari and Marsh, with Rep. Lundberg serving as Chair.

BRIEF RECESS

Thereupon, the House stood in a brief recess pending return of the select committees from their respective tasks.

REPORTS OF SELECT COMMITTEES

Rep. Shepard reported to the House that the Senate had been notified that the House had completed its business for the Second Extraordinary Session and is ready to adjourn, sine die.

SENATE READY TO ADJOURN

Senator Frank Nicely notified the House that the Senate had completed its business and was ready to adjourn, sine die.

RECESS EXPIRED

The recess having expired, the House was called to order by Madam Speaker Harwell.

ROLL CALL DISPENSED

On motion of Rep. McCormick the roll call was dispensed with.

JOURNAL APPROVED

On motion of Rep. McCormick, the Journal of the House of Representatives and the proceedings thereof were approved from the First Legislative Day through the Third Legislative Day of the Second Extraordinary Session.

REPORTS OF SELECT COMMITTEES

Rep. Lundberg reported to the House that the Governor had been notified that the House had completed its business for the Second Extraordinary Session and is ready to adjourn, sine die.

MOTION TO ADJOURN

Rep. McCormick moved that pursuant to Senate Joint Resolution No. 6, the Second Extraordinary Session of the House of Representatives of the One-Hundred Ninth General Assembly adjourn sine die.

SINE DIE ADJOURNMENT

Thereupon, in accordance with Senate Joint Resolution No. 6, Madam. Speaker Harwell declared the Second Extraordinary Session of the House of Representatives of the One-Hundred Ninth General Assembly adjourned, sine die.

Beth Harwell, Speaker,
House of Representatives.

ATTEST:

JOE McCORD, Chief Clerk,
House of Representatives.

**MESSAGE FROM THE SENATE
September 14, 2016**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 4, 5 and 6; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS
September 14, 2016**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution No. 8;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
September 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1 and 2; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
September 14, 2016**

The Speaker announced that she had signed the following: Senate Bills Nos. 1 and 2.

JOE MCCORD, Chief Clerk

**ENGROSSED BILLS
September 14, 2016**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 10 and 11.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
September 14, 2016**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 8, 10 and 11; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS
September 14, 2016**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 4, 5, 6, 8, 10 and 11; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
September 14, 2016**

The Speaker announced that she had signed the following: House Joint Resolutions Nos. 4, 5, 6, 8, 10 and 11.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS
September 14, 2016**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 2, 3 and 4; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
September 14, 2016**

The Speaker announced that she had signed the following: House Resolutions Nos. 2, 3 and 4.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
September 14, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 1, 2, 3, 5, 6 and 7; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
September 14, 2016**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 4, 5, 6, 8, 10 and 11; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

SIGNED
September 14, 2016

The Speaker announced that she had signed the following: Senate Joint Resolutions Nos. 1, 2, 3, 5, 6 and 7.

JOE MCCORD, Chief Clerk

REPORT OF CHIEF ENGROSSING CLERK
September 14, 2016

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 4, 5, 6, 8, 10 and 11; for his action.

GREG GLASS, Chief Engrossing Clerk

MESSAGE FROM THE GOVERNOR
September 15, 2016

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 4, 5, 6, 8, 10 and 11; with his approval.

DWIGHT E. TARWATER, Legal Counsel to the Governor